HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.7991 of 1999

Dated 11th Day of April, 2007

Between:

Smt. Laxmi Bai
and two others .. Petitioners

And

The Govt. of A.P. rep. by its
Secretary, Agriculture Cooperative
(Marketing), Secretariat, Hyderabad .. Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the Resolution dated 27.5.1997 passed by the 3rd respondent for establishing its office and market yard at Kubeer and also the action of the 5th respondent in issuing tender notification dated 17.3.1999, as arbitrary and illegal, and consequently direct the respondents to establish the office of Market Committee at Palsi, which is a notified Headquarters.

The brief facts of the case are that Bhainsa Agriculture Market Committee was constituted by a notification in G.O.Ms.No.665 (Food &n Agriculture) dated 3.3.1969 and its Headquarters with one market yard was notified to be situated at Bhainsa. In the year 1983, the State Government permitted the Agriculture Market Committee, Bhainsa to acquire lands at Palsi, Kubeer and Mudhole villages for establishing market yards. As per notification in G.O.Ms.No.22, dated 24.1.1997, issued under Sections 3 and 4 of the A.P. (Agriculture Produce and Live Stock) Market Act, the Agriculture Market Area at Bhainsa was bifurcated and a new Market Committee with Palsi as its Headquarters and a market yard were constituted. Now, the petitioners' grievance is that the Chairman of the Marketing Committee belongs to Kubeer village and he decided to establish the office of the Market Committee at Kubeer and accordingly passed a Resolution on 27.5.1997, which is contrary to the interest of the farmers and businessmen in the notified area.

A counter affidavit is filed on behalf of the 1st and 2nd respondents wherein it is stated that the 1st respondent-Government, vide its letter No.1687/4/Mktg./1(2)97-6, dated 17.4.1999, replied to the petitioners giving reasons for shifting of the Headquarters of Agricultural Market Committee, from Palsi to Kubeer and hence the representation given by the petitioners could not be considered.

Now, the law is very clear and the Apex Court in **J.R.Raghupathy Vs. State of A.P.**[1] held that when the Government has decided to locate Headquarters at a particular place, the interference by the High Court on the ground of breach of guidelines, is not warranted. The relevant portion of the judgment is to the following effect:

> ***"Where the High Court interfered with the location of Mandal Head Quarters and quashed the notifications issued under Section 3(5) on the ground that the Government acted in breach of the guidelines in that one place or the other was more centrally located or that location at the other place would promote general public convenience, or that the head-quarters should be fixed at a particular place with a view to developing the area surrounded by it, the decision of the High Court was liable to be set aside.*** *The location of headquarters by the Government by the issue of the final notification under Sub-section (5) of Section 3 was on a consideration by the Cabinet Sub-Committee of the proposals submitted by the Collectors concerned and the objections and suggestions received from the local authorities like gram panchayats and the general public.* ***Even assuming that the Government while accepting the recommendations of the Cabinet Sub-Committee directed that the Mandal Head-quarters should be at place 'X' rather than place 'Y' as recommended by the Collector concerned in a particular case, the High Court would not have issued a writ in the nature of mandamus to enforce the guidelines which were nothing more than administrative instructions not having any statutory force, which did not give rise to any legal right in favour of the writ***

petitioners."

In the light of the said judgment, this Court is of the view that no direction in the nature of mandamus can be issued in this writ petition.

Hence, I see no merits in this writ petition, and accordingly, the same is dismissed. No costs.

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11.04.2007

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[1] AIR 1988 SC 1681